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REPORT
No. 1565

ANGELA D'AGATA NICOLOSI

JUNE 13, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 1543]

The Committee on the Judiciary, to which was referred the bill (H.R. 1543) for the relief of Angela D'Agata Nicolosi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable Angela D'Agata Nicolosi to regain her U.S. citizenship which was lost by voting in foreign political elections in Italy between January 1, 1946, and April 18, 1948.

STATEMENT OF FACTS

The beneficiary of the bill is a native of the United States and citizen of Italy, who last entered the United States on June 4, 1959, for permanent residence, upon the basis of a second preference visa petition filed by the beneficiary's U.S. citizen daughter. The beneficiary resided in the United States, from the time of her birth on September 9, 1914, until 1920, when she was taken to Italy by her parents, where she resided until the time of her last entry into the United States. The beneficiary's husband and three minor children, who are all natives and citizens of Italy, presently reside in that country. The beneficiary lost her U.S. citizenship by voting in the Italian political election of June 2, 1946, and did not learn of its loss until 1956, when she applied for a U.S. passport to return to the United States.

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A letter, with attached memorandum, dated May 12, 1958, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H.R. 9791, which was a similar bill introduced in the 85th Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 12, 1958.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 9791) for the relief of Angela D'Agata Nicolosi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would provide that the beneficiary, who lost U.S. citizenship by voting in a political election in a foreign state, may be naturalized by taking, prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of said act. It further provides that from and after naturalization, the beneficiary shall have the same citizenship status as that which existed immediately prior to its loss.

Secretary,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGELA D'AGATA NICOLOSI, BENEFICIARY OF H.R. 9791

Information concerning this case was obtained from Salvatore D'Agata, the beneficiary's brother, who is the sponsor of the bill.

Angela D'Agata Nicolosi, nee D'Agata, a native of the United States and a citizen of Italy, was born on September 9, 1914, in Lawrence, Mass. She was taken to Italy by her parents in 1920 where she has lived ever since. She married Alfio Nicolosi, a native and citizen of Italy, in Aci, S. Antonio, Province of Catania, Italy, on December 31, 1934. There were five children born from their marriage, as follows: Maria, a U.S. citizen, December 11, 1935; Virginia, a U.S. citizen, April 2, 1939; Francesco, April 18, 1943; Giovanni, January 28, 1946, and Adelina, October 2, 1949. Mrs. Nicolosi is unemployed and lives with her husband and four of her children at Via Regina Margherita 12, Aci, S. Antonio, Catania, Italy. She is entirely dependent upon her husband for support. He is self-employed as a shoemaker from which he derives a daily income equivalent to \$2 in U.S. currency. The family assets consist of land on which there is their home and other buildings and vineyards, all of which

are valued in U.S. currency at about \$14,000. They have a yearly income of about \$600 from their vineyards. Their daughter Virginia, who entered the United States in November 1957, lives with the sponsor. Mrs. Nicolosi's daughter and the above-named brother are her only near relatives in the United States. Besides her immediate family her only near relative abroad is her mother who lives in Italy.

The beneficiary lost her U.S. citizenship by voting in the Italian political election of June 2, 1946. She also voted in Italian elections in 1947, 1948, 1951, and 1952. Through lack of information on her part she did not tell the Italian authorities she was a citizen of the United States prior to voting the first time. She was unaware that there was a law of the United States which would have permitted her to regain her U.S. citizenship abroad after voting in Italian political elections or plebiscites between January 1, 1946, and April 18, 1948, inclusive. In 1956 the beneficiary applied for a U.S. passport at the U.S. consulate in Palermo, Italy, and learned for the first time that she was no longer a citizen of this country because she had voted in Italy and she could not regain U.S. citizenship abroad. A certificate of the loss of the nationality of the United States by Mrs. Nicolosi was prepared by a vice consul of the United States at Palermo, Italy, on December 5, 1956, and this certificate was approved by the Director of the Passport Office, Department of State, Washington, D.C., on August 12, 1957, and a copy thereof was thereafter delivered to the beneficiary. A copy of this certificate was also received by this Service from the Department of State.

Salvatore D'Agata, a native and citizen of the United States, was born in Lawrence, Mass., on June 5, 1910. He was taken to Italy by his parents in 1920 and returned to this country in 1930 and has lived here ever since. He married Virginia Savio, a native citizen of the United States, in Lawrence, Mass., on April 25, 1934. They have no children. He is employed as a "twisting fixer" by the Loom Weave Corp., Lawrence, Mass., for which he receives about \$4,000 annually. His wife is unemployed. The sponsor, his wife, and niece, Virginia Nicolosi, live at 155 Saratoga Street, Lawrence, Mass. The family assets consist of a home valued at \$15,000, real estate valued at \$3,000, a bank account of \$600, and household goods and personal possessions valued at \$4,000.

The sponsor served in the U.S. Navy from May 1944 until December 1945 and was honorably discharged.

The following additional letters, dated May 13, 1959, and July 6, 1959, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization, relating to the instant bill, read as follows:

ANGELA D'AGATA NICOLOSI

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 13, 1959.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 1543, 86th Congress, in behalf of Angela D'Agata Nicolosi, who was also the beneficiary of private bill H.R. 9791 in the 85th Congress.

Since submitting our report of May 12, 1958, the beneficiary's daughter, Maria Nicolosi, was admitted to the United States as a citizen of this country at the port of New York on July 22, 1958. This daughter submitted a petition to accord the beneficiary second preference quota status under the quota for Italy, which was approved by the Boston office of this Service on September 30, 1958. We received information on May 5, 1959, from Salvatore D'Agata, the sponsor of the bill, that the beneficiary had been issued an immigrant visa and left Italy by boat on May 4, 1959, for the United States.

Sincerely,

J. M. SWING, *Commissioner.*

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 6, 1959.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 1543, 86th Congress in behalf of Angela D'Agata Nicolosi, who was also the beneficiary of private bill H.R. 9791 in the 85th Congress.

Since submitting our prior reports the beneficiary was lawfully admitted into the United States for permanent residence at the port of New York on June 4, 1959. She is living at 3½ Jackson Terrace, Lawrence, Mass.

Sincerely,

J. M. SWING, *Commissioner.*

The Director of the Passport Office, Department of State, submitted to the chairman of the Committee on the Judiciary of the House of Representatives the following report on H.R. 9791, 85th Congress:

DEPARTMENT OF STATE,
Washington, January 20, 1958.

Re H.R. 9791, for the relief of Angela D'Agata Nicolosi.

EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I am replying to your letter of January 16, 1958, in which you ask for a report on H.R. 9791, for the relief of Angela D'Agata Nicolosi.

Our records show that Mrs. Nicolosi was born at Lawrence, Mass., on September 9, 1914, of Italian parents, and that she has resided in Italy since 1920. Prior to an application for registration as an American citizen which she executed at the American consulate general at Palermo on December 4, 1956, she had never visited an American Foreign Service office to be documented as an American citizen. In an affidavit executed on that date she stated that she had voted in elections held in Italy on June 2, 1946, April 20, 1947, April 18, 1948, June 30, 1951, and May 25, 1952; that prior to voting she did not make a claim to citizenship of the United States to any local or national official of Italy; that she did not request exemption from voting; that she was not coerced to vote by any official or other person; and that she voted because "it was suggested to me and because people said that it was obligatory."

Mrs. Nicolosi's case does not present any features which distinguish it from other cases where U.S. citizens have lost citizenship by voting in the elections of foreign states. I do not consider that this is a case in which the Department should recommend enactment of a private bill.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

Congressman Thomas J. Lane, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman, the beneficiary of this legislation was an American-born citizen, having been born in Lawrence, Mass., September 9, 1914. She was taken by her family to Italy when she was 4½ years of age and had resided there ever since.

She married Alfio Nicolosi on December 3, 1934, and had five children, two of whom are U.S. citizens and are now in this country. The dates of birth are as follows: December 11, 1935—U.S. citizen and in the United States since July 22, 1958; April 2, 1939—U.S. citizen and in the United States since November 1957; April 18, 1939; January 28, 1946; October 2, 1949.

Her husband is a shoemaker and their assets total about \$14,000.

On December 4, 1956, she applied for registration as an American citizen at the consulate in Palermo (no prior consulate documentation). She stated in her affidavit that she voted in Italy on June 2, 1946, April 20, 1947, April 18, 1948, June 3, 1951, and May 25, 1952.

The Department of State in its report (January 21, 1958) recommends adversely to the enactment of the bill although it notes that she voted because people said it was obligatory. (NOTE.—At that time, there was great concern in the free world as to the course of Italian elections and much effort was brought to bear to encourage a large anti-Communist vote in Italy. None of the official reports in this case indicate any anti-American sentiment or expressions or history

on the part of the beneficiary. If there were such it would have been noted. Therefore, it is safe to assume that her voting, and the feeling on her part that it was obligatory to do so, could reasonably be deemed to be in behalf of the anti-Communist effort.)

She was unaware of the law and the effect her voting had. Nor was she aware of the U.S. law to regain her citizenship after voting in the Italian elections between January 1, 1946, and April 18, 1948. She first learned of her loss of citizenship when she applied for U.S. passport in 1956.

She left Italy by boat on May 4, 1959, for the United States on an immigrant visa and she is now in the United States as a permanent resident.

The sponsor is her brother who served honorably in the U.S. Navy between May 1944 and December 1945. He is married and has no children. He owns his own home (value, \$15,000) and is employed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 1543) should be enacted.

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